REMARKS

Claims 1-109 are pending and at issue. Claims 1-4, 17-20, 97-98, 103-104 and 109 stand rejected as being anticipated under 35 U.S.C. § 102(b) by EP 1031586 A1 to Yonezawa et al. Claims 1-109 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Yonezawa et al. in view of U.S. Patent 5,948,850 to Enami et al. Claim 97 has been amended to clarify and further recite the claimed composition.

Applicants respectfully request reconsideration of the rejections in view of the amendments and following arguments.

35 U.S.C. § 102

Applicants respectfully traverse the rejection of claims 1-4 and 17-20 as the rejection is based on either a misunderstanding of the cited reference and/or of the claims. Claims 1-4 and 17-20 stand rejected as being anticipated by Yonezawa et al. Independent claim 1 recites, amongst other elements, "wherein the melt flow rate (MFR) of the thermoplastic elastomer composition is at least 10g/10min at 230°C under a load of 2.15 kgf in accordance with Japanese Industrial Standards (JIS) K7210." The Examiner alleges that Yonezawa et al. encompasses this rate, pointing to page 4 therein. However, the disclosure the Examiner points to in Yonezawa et al. is generically referring to the MFR of each of the individual components and not of the **thermoplastic elastomer** as recited in the claims. The MFR of the overall composition, the thermoplastic elastomer, is not listed in any of the tables, but must instead be computed. Specifically, the examples contained in Table 2 do not disclose a

thermoplastic elastomer having an MFR that is at least 10g/10min as recited in claim 1. Using the data from Tables 1 and 2, the MFR for each of the examples can be computed with the following formula:

$$MFR_{Thermoplastic\ Elastomer} = [(MFR_{PP} \bullet wt\%_{PP}) + (MFR_{SEBS} \bullet wt\%_{SEBS})] / 100$$

(Where PP stands for polypropylene)

Therefore, the MFR of the thermoplastic elastomers presented in Yonezawa et al. Can be summarized as follows:

	Ex. 1	Comp. Ex. 1	Comp. Ex. 2	Comp. Ex. 3	Comp. Ex. 4	Comp. Ex. 5	Ex. 2	Comp. Ex. 6
MFR	6.2	6.0	6.2	6.2	6.7	6.2	6.2	8.4

As seen in the above table, Yonezawa et al. does not disclose a thermoplastic elastomer wherein the MFR is at least 10g/10min. Yonezawa et al. fails to disclose each element as recited in claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Therefore, claim 1 is not anticipated by Yonezawa et al and is allowable. Additionally, the MFR values for the thermoplastic elastomers disclosed in Yonezawa et al. indicate that the thermoplastic elastomers would not be as suitable for slush molding. Instead, Yonezawa et al. discloses forming the resin composition into a

sheet or film using an extruder or formed into an injection molded product by way of an injection molder. (Refer to p. 5, lines 46-51.)

As claims 2-4 and 17-20 more specifically recite the composition of independent claim 1, they are also allowable.

Claims 97-98, 103-104 and 109 stand rejected as being anticipated by Yonezawa et al. Independent claim 97 has been amended to clarify and more specifically recite the composition. Claim 97 has been amended to recite "wherein the melt flow rate (MFR) of the thermoplastic elastomer composition is at least 10g/10min at 230°C under a load of 2.15 kgf in accordance with Japanese Industrial Standards (JIS) K7210." As argued *supra*, Yonezawa et al. does not disclose a composition having this feature. Therefore, as Yonezawa et al. fails to disclose each and every element as set forth in claim 97, the claim is not anticipated.

Furthermore, claims 103-104 and 109 more specifically recite the composition of independent claim 97. As claim 97 is allowable, claims 103-104 and 109 are also allowable.

35 U.S.C. § 103

Claims 1-109 stand rejected as being as being unpatentable according to 35 U.S.C. § 103(a) over Yonezawa et al. in view of Enami et al. The Examiner alleges that the compositions recited in claims 1-9, 17-100 and 103-109 would be obvious in view of Yonezawa et al. The Examiner correctly acknowledges that Yonezawa does not disclose the use of peroxide as recited in claims 9-16 and 101-102 and therefore attempts to combine Yonezawa et al. with Enami et al. to overcome this deficiency.

As argued *supra*, Yonezawa et al. fails to disclose a composition "wherein the melt flow rate (MFR) of the thermoplastic elastomer composition is at least 10g/10min at 230°C under a load of 2.15 kgf in accordance with Japanese Industrial Standards (JIS) K7210." While Enami et al. discloses compositions that have MFRs of at least 10g/10min, the compositions that exhibit these properties are not the same as the compositions recited in independent claims 1 and 97. Furthermore, there is no teaching or suggestion that, even if the independent teachings found in Yonezawa et al. and Enami et al. were combinable to achieve the compositions recited in claims 1-109, the combined compositions would exhibit the recited MFR. Therefore, Yonezawa et al. taken alone or in combination with Enami et al. does not disclose, teach, or suggest the compositions of either independent claim 1 or independent claim 97. Consequently, independent claims 1 and 97 are allowable. As claims 2-96 and 109 depend from claim 1 and claims 98-109 depend from claim 97, all claims 1-109 are allowable.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the rejections of claims 1-109, and the allowance of the case.

Respectfully submitted,

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Date: April 5, 2004